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Attorneys for Sterling Savings Bank

**Judge: Thomas T. Glover**  
**Chapter: 7**  
**Location: 700 Stewart St., Ctrm. 7106,**  
**Seattle, WA**  
**Hearing Date: June 18, 2010**  
**Hearing Time: 9:30 a.m.**  
**Response Date: June 11, 2010**

IN THE UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:

EDWARD A. TUDOR and  
ROSALIE M. TUDOR,

Debtors.

NO. 10-42300-PBS

NOTICE OF MOTION AND  
HEARING ON ORDER LIFTING  
AUTOMATIC STAY AND  
DIRECTING ABANDONMENT  
OF ENCUMBERED PROPERTY

PLEASE TAKE NOTICE that Sterling Savings Bank's ("Sterling") Motion for Order Lifting Automatic Stay and Requiring Abandonment of Encumbered Property seeks to modify the § 362 automatic stay and to permit it to obtain possession of and dispose of the following personal property, to-wit:

I.

LOTS 6, 7 AND 8, BLOCK 19, GILMAN'S ADDITION TO  
THE CITY OF SEATTLE, ACCORDING TO THE PLAT  
THEREOF RECORDED IN VOLUME 5 OF PLATS, PAGE  
93, RECORDS OF KING COUNTY, WASHINGTON;  
TOGETHER WITH THE EAST 14 FEET OF 17<sup>TH</sup> AVENUE  
WEST VACATED BY ORDINANCE NO. 88735 OF THE

NOTICE OF MOTION AND HEARING ON ORDER  
LIFTING AUTOMATIC STAY - 1



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CITY OF SEATTLE WHICH WOULD ATTACHED TO  
LOT 6 BY OPERATION OF LAW. SITUATE IN THE  
COUNTY OF KING, STATE OF WASHINGTON.

Commonly known as 3220 17<sup>th</sup> Ave W, Seattle, WA 98119  
("17<sup>th</sup> Ave Property");

II.

LOT 19, BLOCK 2, QUEEN ANNE PARK ADDITION TO  
THE CITY OF SEATTLE, AS PER PLAT RECORDED IN  
VOLUME 28 OF PLATS, PAGE 38, RECORDS OF KING  
COUNTY;

SITUATE IN THE CITY OF SEATTLE, COUNTY OF  
KING, STATE OF WASHINGTON.

Commonly known as 3203 Conkling PL W, Seattle, WA  
98119 ("Conkling Property"); and

III.

LOTS 16 THROUGH 20, BLOCK 713 OF EVERETT LAND  
COMPANY'S 1<sup>ST</sup> ADDITION TO EVERETT, ACCORDING  
TO THE PLAT THEREOF RECORDED IN VOLUME 3 OF  
PLATS, PAGE 20, IN SNOHOMISH COUNTY,  
WASHINGTON.

Commonly known as 3030 Broadway Ave., Everett, WA  
98201 ("Broadway Property," collectively with the 17<sup>th</sup> Ave  
Property and Conkling Property, the "Property").

Debtors are in default to Sterling under certain Promissory Notes ("Notes") that  
pledged the Property as collateral for the same. The total amount due under Note 9001  
is \$1,044,452.53, which includes arrearages, accrued interest and late charges (through  
April 9, 2010). The total amount due under Note 6001 is \$667,477.40, which includes



1 arrearages, accrued interest and other fees (through April 9, 2010). The total amount  
2 due under Note 9001B is \$239,023.91, which includes interest, accrued interest and late  
3 charges (through April 9, 2010). Interest continues to accrue on the Notes at the per  
4 diem rates of \$209.75, \$167.27 and \$49.069, respectively. Sterling has also incurred  
5 legal fees and costs because of Debtors' default. The Debtors' Schedules provide that  
6 Debtors will surrender the 17<sup>th</sup> Ave Property to Sterling and fails to provide for the  
7 Conkling Property and Broadway Property. According to Debtors' Schedules, the value  
8 of the 17<sup>th</sup> Ave Property is estimated to be \$1,550,000.00 and the Debtors' interest in the  
9 Conkling Property is estimated at \$400,000.00. No value is given for the Broadway  
10 Property. Taking into consideration the additional creditors, Debtors have no equity in  
11 the Property.  
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16 THIS MOTION IS SET FOR HEARING as follows:

17 Judge: Thomas T. Glover  
18 Place: 700 Stewart Street, Ctrm. 7106, Seattle, WA  
19 Date: June 18, 2010  
20 Time: 9:30 a.m.

21 IF YOU OPPOSE the Motion, you must file your written response with the Court  
22 Clerk, serve two copies on the Judge's chambers and deliver copies to the undersigned  
23 and all parties of interest NOT LATER THAN THE RESPONSE DATE, which is  
24 June 11, 2010. Sterling is also requesting an Order waiving and relieving Sterling of the  
25 automatic fourteen (14) day stay pursuant to FRBP 4001(a)(3).  
26  
27

28 NOTICE OF MOTION AND HEARING ON ORDER  
LIFTING AUTOMATIC STAY - 3

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1 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its  
2 discretion, GRANT THE MOTION PRIOR TO THE HEARING WITHOUT  
3  
4 FURTHER NOTICE, and strike the hearing.

5 DATED this 7<sup>th</sup> day of May, 2010.

6 WITHERSPOON KELLEY

7  
8 By: /s/ Christopher G. Varallo  
9 Christopher G. Varallo, WSBA #29410  
10 Attorney for Sterling Savings Bank  
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